

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 818 of 1990

to

FIRST APPEAL No 854 of 1990

with

FIRST APPEAL NO.856/90 TO 859/90,  
861/90 TO 865/90, 867/90, 868/90  
870/90 TO 882/90.

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT and  
MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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DY. COLLECTOR

Versus

MAHANT OF VEJANATH MAHADEV ISHWARBHARTHI GURU SOMBHARTHI

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Appearance:

MR PG DESAI, GOVERNMENT PLEADER for Appellants, in  
FA NOS. 818/90 TO 850/90

MR SJ DAVE, AGP for Appellants, in FA NOS. 851/90  
TO 854/90, 856/90 TO 859/90, 861/90 TO 865/90,  
867/90, 868/90, 870/90 TO 882/90

MR AJ PATEL for Respondent No. 1

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CORAM : MR.JUSTICE Y.B.BHATT and  
MR.JUSTICE C.K.BUCH

Date of decision: 05/02/98

ORAL COMMON JUDGEMENT ( PER ; Y.B.BHATT, J )

This group of appeals are appeals filed by the State of Gujarat under Sec.54 of the Land Acquisition Act read with Sec.96 of the Civil Procedure Code, challenging the common judgment and awards passed by the Reference Court under Sec.18 of the Land Acq. Act.

2. We do not propose to enter into a detailed discussion on the facts of the individual cases except to state that all these lands were acquired for the Guhai Dam Project, under a notification issued under Sec.4 of the said Act dated 27.5.1982 followed by Sec.6 notification dated 22.5.1985, resulting in the Land Acq. Officer's Award dated 21.5.1987.

3. Under the award of the Land Acq. Officer, the claimants were offered a price of Rs. 113/ per Are in respect of irrigated land and Rs. 78/ per Are for non-irrigated land. The reference Court, while deciding the references under Sec.18 of the said Act, enhanced the same to Rs. 678/ per Are for irrigated land, Rs. 468/ per Are for non-irrigated land, and Rs. 6/ per Are for Kharaba land. As aforesaid, it is the common judgment and awards passed under Sec.18 by the reference Court, which is the subject matter of the present group of appeals.

4. In the context of the challenge to the impugned awards, our attention has been drawn to a decision of a Division Bench of this Court ( Coram : B.S.Kapadia & V.H. Bhairavia, JJ ) dated 20.8.1990 rendered in First Appeal Nos. 1119/90 to 1129/90. We have perused this decision carefully with the assistance of the ld. counsel appearing for the appellant and the ld. counsel for the respondent in the present group of appeals.

5. There is no controversy and it is common ground of the respective counsel that the said decision deals with the appeals filed by the State against the decision in Land Reference Cases referred to in the said decision. However, what is material is that it is common ground on both sides, and we record that there is no controversy on the fact situation after the ld. counsel for the respective parties have verified the same; that the purpose of the acquisition, and the date of the notification in question are both identical in the appeals before us today, and in the appeals dealt with by the aforesaid decision. It is further to be noted that land under acquisition in the present group of appeals

before us as also the land under acquisition dealt with in the aforesaid decision, are also situated in the very same village.

6. In view of this fact situation, we see no reason to take the view different from the view expressed by the earlier Bench in the earlier decision, at least so far as the market value of the land is concerned. In any case, we have specifically put to the ld. counsel for the appellant as to whether he is able to point out any ground whether on facts or law, on the basis of which we may be persuaded to take a different view. In this context, the ld. counsel for the appellant states that he is not able to point out any such ground whatsoever.

7. In the premises aforesaid, we find perfectly justified the valuation determined by the earlier Bench in the said decision whereby the valuation put by the reference Court namely Rs. 678/ per Are for irrigated land, Rs. 468/ per Are for non-irrigated land and Rs. 6/ per Are for Kharaba land, is upheld as legal, valid and justified. We, therefore, hold accordingly and uphold the valuation determined under the impugned awards.

8. These appeals are, therefore, dismissed with no order as to costs.

9. Ld. Counsel for the respondent (in the matters in which he appeared) states that although cross-objections have been filed in some of the appeals, he does not press the same before effective hearing. Such cross-objections are, therefore, treated as withdrawn.

10. Registry is directed to place a copy of this judgment in each of the First Appeals.

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